

AMENDED IN SENATE AUGUST 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2351

Introduced by Assembly Member Gordon

February 21, 2014

An act to amend Sections 5100 and 5151 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2351, as amended, Gordon. Political party qualification.

Existing law specifies the methods for a political party to qualify to participate in a primary election. Existing law provides that a party is qualified to participate in a primary election if, at the last preceding gubernatorial election, there was polled for any one of its candidates for any office voted on throughout the state, at least 2% of the entire vote of the state. Existing law also provides that a party is qualified to participate in a primary election if, on or before the 135th day before the primary election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters transmitted by county elections officials, that voters equal in number to at least 1% of the entire vote of the state at the last gubernatorial election have declared an intention to affiliate with that party.

This bill would revise these provisions for a party to qualify to participate in a primary election. This bill would provide that a party is qualified if, at the last preceding gubernatorial primary election, the sum of the votes cast for all of the candidates for an office voted on throughout the state who disclosed a preference for that party on the ballot was at least 2% of the entire vote of the state for that office. Notwithstanding this provision, the bill would authorize the party to

inform the Secretary of State that it declines to have the votes cast for a candidate counted towards the 2% qualification threshold. This bill would also provide that a party is qualified to participate if it appears to the Secretary of State that voters equal in number to at least 0.33% of the total number of voters registered on the 154th day before the primary election have declared their preference for that party.

If a political party did not qualify to participate in a presidential primary election, but nevertheless seeks qualification to participate in the following presidential general election, existing law specifies the methods for the party to qualify to participate in the general election. Existing law provides that a party is qualified to participate in a presidential general election if, at the last preceding gubernatorial election, there was polled for any one of its candidates for any office voted on throughout the state at least 2% of the entire vote of the state. Existing law also provides that a party is qualified to participate in a presidential general election if, on or before the 102nd day before the general election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters transmitted by county elections officials, that voters equal in number to at least 1% of the entire vote of the state at the last gubernatorial election have declared an intention to affiliate with that party.

This bill would revise these provisions for a party to qualify to participate in a presidential general election. This bill would provide that a party is qualified if, at the last preceding gubernatorial primary election, the sum of the votes casts for all of the candidates for an office voted on throughout the state who disclosed a preference for that party on the ballot was at least 2% of the entire vote of the state for that office. Notwithstanding this provision, the bill would authorize the party to inform the Secretary of State that it declines to have the votes cast for a candidate counted towards the 2% qualification threshold. This bill would also provide that a party is qualified to participate if it appears to the Secretary of State that voters equal in number to at least 0.33% of the total number of voters registered on the 123rd day before the presidential general election have declared their preference for that party.

This bill would incorporate additional changes to Sections 5100 and 5151 of the Elections Code, as proposed by SB 1043, to be operative only if SB 1043 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 5100 of the Elections Code is amended to read:

5100. A party is qualified to participate in a primary election under any of the following conditions:

(a) (1) At the last preceding gubernatorial primary election, the sum of the votes cast for all of the candidates for an office voted on throughout the state who disclosed a preference for that party on the ballot was at least 2 percent of the entire vote of the state for that office.

(2) Notwithstanding paragraph (1), a party may inform the Secretary of State that it declines to have the votes cast for any candidate who has disclosed that party as his or her party preference on the ballot counted toward the 2-percent qualification threshold. If the party wishes to have votes for any candidate not counted in support of its qualification under paragraph (1), the party shall notify the secretary in writing of that candidate's name by the seventh day prior to the gubernatorial primary election.

(b) On or before the 135th day before a primary election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their declared political preference transmitted to him or her by the county elections officials, that voters equal in number to at least 0.33 percent of the total number of voters registered on the 154th day before the primary election have declared their preference for that party.

(c) On or before the 135th day before a primary election, there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the state at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated in the petition, which proposed party those voters desire to have participate in that primary election. This petition shall be circulated, signed, and verified, and the signatures of the voters on it shall be certified to and transmitted to the Secretary of State by the county elections officials substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point boldface

1 type, which caption shall be the name of the proposed party
2 followed by the words "Petition to participate in the primary
3 election."

4 *SEC. 1.5. Section 5100 of the Elections Code is amended to*
5 *read:*

6 5100. A party is qualified to participate in ~~any~~ a primary
7 election under any of the following conditions:

8 (a) ~~If at (1) At the last preceding gubernatorial election there~~
9 ~~was polled for any one of its candidates for any primary election,~~
10 ~~the sum of the votes cast for all of the candidates for an office~~
11 ~~voted on throughout the state, state who disclosed a preference~~
12 ~~for that party on the ballot was at least 2 percent of the entire vote~~
13 ~~of the state for that office.~~

14 (2) *Notwithstanding paragraph (1), a party may inform the*
15 *Secretary of State that it declines to have the votes cast for any*
16 *candidate who has disclosed that party as his or her party*
17 *preference on the ballot counted toward the 2 percent qualification*
18 *threshold. If the party wishes to have votes for any candidate not*
19 *counted in support of its qualification under paragraph (1), the*
20 *party shall notify the Secretary in writing of that candidate's name*
21 *by the 7th day prior to the gubernatorial primary election.*

22 (b) ~~If on~~ On or before the 135th day before ~~any~~ a primary
23 election, it appears to the Secretary of State, as a result of
24 examining and totaling the statement of voters and their *declared*
25 *political affiliations preference* transmitted to him or her by the
26 county elections officials, that voters equal in number to at least
27 ~~± 0.33 percent of the entire vote of the state at the last preceding~~
28 ~~gubernatorial total number of voters registered on the 154th day~~
29 ~~before the primary election have declared their intention to affiliate~~
30 ~~with preference for that party.~~

31 (c) ~~If on~~ On or before the 135th day before ~~any~~ a primary
32 election, there is filed with the Secretary of State a *political party*
33 *qualification* petition signed by voters, equal in number to at least
34 10 percent of the entire vote of the state at the last preceding
35 gubernatorial election, declaring that ~~they represent the voters~~
36 *signing the petition support qualification of* a proposed party, the
37 name of which shall be stated in the petition, which proposed party
38 those voters desire to have participate in that primary election.
39 This petition shall be circulated, ~~signed, verified~~ *signed and*
40 *verified*, and the signatures of the voters on it shall be certified to

1 and transmitted to the Secretary of State by the county elections
2 officials substantially as provided for initiative petitions. Each
3 page of the petition shall bear a caption in 18-point boldface type,
4 which caption shall be the name of the proposed party followed
5 by the words "Petition to participate in the primary election."

6 SEC. 2. Section 5151 of the Elections Code is amended to read:

7 5151. A party is qualified to participate in a presidential general
8 election under any of the following conditions:

9 (a) The party qualified to participate and participated in the
10 presidential primary election preceding the presidential general
11 election pursuant to Section 5100.

12 (b) (1) At the last preceding gubernatorial primary election, the
13 sum of the votes cast for all of the candidates for an office voted
14 on throughout the state who disclosed a preference for that party
15 on the ballot was at least 2 percent of the entire vote of the state
16 for that office.

17 (2) Notwithstanding paragraph (1), a party may inform the
18 Secretary of State that it declines to have the votes cast for any
19 candidate who has disclosed that party as his or her party preference
20 on the ballot counted toward the 2-percent qualification threshold.
21 If the party wishes to have votes for any candidate not counted in
22 support of its qualification under paragraph (1), the party shall
23 notify the secretary in writing of that candidate's name by the
24 seventh day prior to the gubernatorial primary election.

25 (c) If on or before the 102nd day before a presidential general
26 election, it appears to the Secretary of State, as a result of
27 examining and totaling the statement of voters and their declared
28 political preference transmitted to him or her by the county
29 elections officials, that voters equal in number to at least 0.33
30 percent of the total number of voters registered on the 123rd day
31 before the presidential general election have declared their
32 preference for that party.

33 (d) On or before the 135th day before a presidential general
34 election, there is filed with the Secretary of State a petition signed
35 by voters, equal in number to at least 10 percent of the entire vote
36 of the state at the last preceding gubernatorial election, declaring
37 that they represent a proposed party, the name of which shall be
38 stated in the petition, which proposed party those voters desire to
39 have participate in that presidential general election. This petition
40 shall be circulated, signed, and verified, and the signatures of the

1 voters on it shall be certified to and transmitted to the Secretary
2 of State by the county elections officials substantially as provided
3 for initiative petitions. Each page of the petition shall bear a caption
4 in 18-point boldface type, which caption shall be the name of the
5 proposed party followed by the words "Petition to participate in
6 the presidential general election."

7 *SEC. 2.5. Section 5151 of the Elections Code is amended to*
8 *read:*

9 5151. A party is qualified to participate in a presidential general
10 election under any of the following conditions:

11 (a) ~~If the~~ The party qualified to participate and participated in
12 the presidential primary election preceding the presidential general
13 election pursuant to Section 5100.

14 (b) ~~If at (1) At the last preceding gubernatorial election there~~
15 ~~was polled for any one of its candidates for any primary election,~~
16 *the sum of the votes cast for all of the candidates for an office*
17 *voted on throughout the state who disclosed a preference for that*
18 *party on the ballot was at least 2 percent of the entire vote of the*
19 *state for that office.*

20 (2) *Notwithstanding paragraph (1), a party may inform the*
21 *Secretary of State that it declines to have the votes cast for any*
22 *candidate who has disclosed that party as his or her party*
23 *preference on the ballot counted toward the 2 percent qualification*
24 *threshold. If the party wishes to have votes for any candidate not*
25 *counted in support of its qualification under paragraph (1), the*
26 *party shall notify the Secretary of State in writing of that*
27 *candidate's name by the seventh day prior to the gubernatorial*
28 *primary election.*

29 (c) ~~If on~~ On or before the 102nd day before a presidential general
30 election, it appears to the Secretary of State, as a result of
31 examining and totaling the statement of voters and their *declared*
32 ~~political affiliations~~ *preference* transmitted to him or her by the
33 county elections officials, that voters equal in number to at least
34 ~~1 percent of the entire vote of the state at the last preceding~~
35 ~~gubernatorial election~~ *0.33 percent of the total number of voters*
36 *registered on the 123rd day before the presidential general election*
37 *have declared their intention to affiliate with preference for that*
38 *party.*

39 (d) ~~If on~~ On or before the 135th day before a presidential general
40 election, there is filed with the Secretary of State a *political party*

1 *qualification* petition signed by voters, equal in number to at least
2 10 percent of the entire vote of the state at the last preceding
3 gubernatorial election, declaring that ~~they represent~~ *the voters*
4 *signing the petition support qualification of* a proposed party, the
5 name of which shall be stated in the petition, which proposed party
6 those voters desire to have participate in that presidential general
7 election. This petition shall be circulated, signed, and verified and
8 the signatures of the voters on it shall be certified to and transmitted
9 to the Secretary of State by the county elections officials
10 substantially as provided for initiative petitions. Each page of the
11 petition shall bear a caption in 18-point boldface type, which
12 caption shall be the name of the proposed party followed by the
13 words "Petition to participate in the presidential general election."

14 *SEC. 3. (a) Section 1.5 of this bill incorporates amendments*
15 *to Section 5100 of the Elections Code proposed by both this bill*
16 *and Senate Bill 1043. It shall only become operative if (1) both*
17 *bills are enacted and become effective on or before January 1,*
18 *2015, (2) each bill amends Section 5100 of the Elections Code,*
19 *and (3) this bill is enacted after Senate Bill 1043, in which case*
20 *Section 1 of this bill shall not become operative.*

21 *(b) Section 2.5 of this bill incorporates amendments to Section*
22 *5151 of the Elections Code proposed by both this bill and Senate*
23 *Bill 1043. It shall only become operative if (1) both bills are*
24 *enacted and become effective on or before January 1, 2015, (2)*
25 *each bill amends Section 5151 of the Elections Code, and (3) this*
26 *bill is enacted after Senate Bill 1043, in which case Section 2 of*
27 *this bill shall not become operative.*